REMARKS

Claims 1, 3, 7-13, 18 and 19 were pending in this application.

Claims 1, 3, 7-13, 18 and 19 were rejected.

Claims 1 and 8 were amended.

Claims 13, 15, 18 and 19 were cancelled

I. 35 USC 103(a) Rejections

Claims 1, 7, 8, 10-13, 15, 18 and 19 were rejected under 35 USC 103(a) as being anticipated by U.S. Patent No. 3,651,601 to La Montagne in view of GB 1544630 to James and U.S. Patent No. 3,962,825 to O'Connell.

Claims 3 and 9 were rejected in view of the above-cited references in further view of French reference FR 2620591 to Roder

Claim 1

Claim 1 sets forth a reusable floral arrangement assembly. The assembly includes a tray. A connector is disposed on the bottom of the tray. The floral arrangement assembly also includes a plurality of disposable foam elements that are circular in shape. This plurality of circular elements includes a base level circular element and at least one subsequent level circular element. The base level circular element rests upon the top surface of the tray. The base level circular element and each subsequent level circular element differ in diameter and are stacked atop each other forming a foam structure having tiered configuration. The tiered configuration has exposed vertical surfaces and horizontal surfaces on each of the levels.

A grid work extends over the foam structure. One each level, the grid work demarcates both the vertical surfaces and the horizontal surfaces that lay exposed on the foam structure into a plurality of equally sized areas.

The LaMontagne patent discloses a flower holder. However the flower hold makes no

disclosure concerning a tired configuration. In fact, the Examiner states:

> *"LaMontagne is silent on a plurality of foam elements wherein the base level element and at least one subsequent level differs in size and are stacked atop each other forming a foam structure having a tiered configuration with exposed vertical surfaces and horizontal surfaces."*

To address the deficiencies of the LaMontagne patent, the Examiner cites the James reference. And the O'Connell patent.

The James reference does not show or suggest multiple circular layers of foam arranges in a tiered configuration. It is very clear from the drawings of the James reference that the foam has only one diameter from its top to its bottom.

The O'Connell reference shows a square block used to make a centerpiece bouquet. Again, the O'Connell patent does not disclose circular stacked disks.

As applied to the specific wording of Claim 1, it is clear that the cited prior art does not disclose a floral arrangement system having circular layers of different diameters that are stacked atop each other to form a tiered configuration. The prior art also fails to show any sort of grid that would lay over such a tiered structure and divide the various horizontal and vertical surfaces of each layer into equally sized areas.

Since all of these elements are claimed in the wording of Claim 1 but are not founded in the cited references, it is clear that the combined prior art references not disclose the matter of Claim 1 or its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 103 rejection as applied to Claim 1 and its dependent claims.

In regard to Claim 3, Claim 3 depends from Claim 1. Claim 3 was rejected in view of the above in further view of Roder. The Roder patent is cited to show prongs that extend up from a tray. The Roder reference makes no disclosure of stacked circular foam element that are covered with a grid. Accordingly, the Roder patent does not address the deficiencies of the LaMontagne,

James and O'Donnell references as applied to Claim 1.

Claim 3 is therefore believed to be allowable since it depends from, and further defines, an allowable base claim.

Claim 8

Claim 8 also sets forth a floral arrangement assembly. The floral arrangement assembly includes a plurality of foam elements that include a base level element and at least one subsequent level element. Each of the foam elements is cog-shaped having square protrusions that are arranged in a radial pattern .The base level element and each subsequent level element differ in size and are stacked atop each other forming a foam structure having tiered configuration with exposed vertical surfaces and horizontal surfaces.

On page 12 of the original specification, the Applicant clearly states the benefits of having layers made with cog-shapes. As is stated on page 12:

> *''More complex floral arrangements can be made using more complex three-dimensional foam structures. Referring to Fig. 4, one such complex embodiment is shown. In the embodiment of Fig. 4, a three-dimensional foam structure 50 is shown, wherein each layer 51 is configured like a cog. As such, each layer 51 in the three-dimensional foam structure 50 has a plurality of square cog teeth protrusions 52 that symmetrically protrude from a central hub. As such, flat surfaces are exposed at the top and sides of each of the cog teeth protrusions 52, wherein each of these exposed surfaces lay in a different plane. The various cog teeth protrusions 52 on each level of the three-dimensional foam structure 50 are staggered. As such, the cog teeth protrusions 52 on adjoining layers of the three-dimensional foam structure do not align in common planes. Accordingly, differently oriented planes are present on each level of the three-dimensional foam structure 50. This enables a floral designer to place flowers and greens at a variety of different angles on each level 51 of the three-dimensional foam structure 50.'' "*

The LaMontagne, James and O'Connell references all fail to disclose any floral arrangement system that uses cog-shaped layer. The combined reference therefore clearly fails to disclose or

suggest the matter set forth in Claim 8 and its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 103 rejection as applied to Claim 8 and its dependent claims.

In regard to Claim 9, Claim 9 depends from Claim 8. Claim 9 was rejected in view of the above in further view of Roder. The Roder patent is cited to show prongs that extend up from a tray. The Roder reference makes no disclosure of stacked circular foam elements that are covered with a grid. Accordingly, the Roder patent does not address the deficiencies of the LaMontagne, James and O'Donnell references as applied to Claim 8.

Claim 9 is therefore believed to be allowable since it depends from, and further defines, an allowable base claim.

III. SUMMARY

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,

Eric A. LaMorte
Reg. No. 34,653
Attorney For Applicant

LaMorte & Associates
P.O. BOX 434
Yardley, PA 19067
(215) 321-6772